

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 1-34 are pending in this application. Claims 1, 12, and 23 have been amended to more particularly define the attribute of concern in these independent base claims that finds support at page 8, line 3, of the originals specification for example. Accordingly, it is clear that no new matter has been included.

Furthermore, as the present amendment of the independent claims to better reflect the disclosed meaning of “attribute” clearly does not change the subject matter defined by pending Claims 1-34 as the term “attribute” in these claims clearly could not be reasonably said to be concerned with image “sharpness” in light of the description at page 7, line 22- page 8, line 3 of the specification. Accordingly, as this subject matter should already have been searched under the guidelines of the USPTO and no other new examination considerations can be reasonably urged, entry of the present Amendment under 37 CFR § 1.116 is believed to be clearly proper.

The outstanding Office Action includes a requirement for a new oath/declaration, a rejection of Claims 1, 3, 4, 7, 12, 14, 15, 18, 23, 25, 26, and 29 under 35 U.S.C. §102(e) as being anticipated by Sakaida (U. S. Patent No. 6,392,765), a rejection of Claims 2, 6, 13, 17, 24, 28, and 34 under 35 U.S.C. §103(a) as being unpatentable over Sakaida in view of Sekine et al. (U.S. Patent No. 5,754,710, Sekine), a rejection of Claims 5, 16, and 27 under 35 U.S.C. §103(a) as being unpatentable over Sakaida in view of Dube et al. (U.S. Patent No. 6,782,143, Dube), and a rejection of Claims 8-11, 19-22, and 30-33 under 35 U.S.C. §103(a) as being unpatentable over Sakaida in view of Kuwata (U. S. Patent No. 6,768,559).

The outstanding Action asserts that a new oath/declaration is required because “an oath or declaration has not been received.” Proof to the contrary was submitted by facsimile transmission on June 14, 2005, that included a copy of the filed declaration and date-stamped

filing receipt. These transmitted copies are believed to render this requirement moot as already satisfied. Accordingly, withdrawal of the requirement for a new oath/declaration is respectfully urged to be in order.

The invention of independent Claims 1, 12, and 23, includes a safeguard against executing interpolation processing that is unsuitable for a particular type of image as noted at page 6, lines 16-22, for example. Thus, each of base independent Claims 1, 12, and 23 explicitly recite the determination of “a blending ratio that appraises an attribute of the image that indicates a likelihood of the image to be a natural picture” so as to avoid the “decisive error” in selecting an interpolation method as noted at page 6, lines 21-22, for example.

Turning to the rejection of Claims 1, 3, 4, 7, 12, 14, 15, 18, 23, 25, 26, and 29 under 35 U.S.C. §102(e) as being anticipated by Sakaida it is noted that the reliance in the outstanding Action on col. 21, lines 34-50 and lines 57-58 along with col. 9, lines 24-30 and col. 2, lines 49-58 of Sakaida as teaching the claimed subject matter of the “first function of determining a blending ratio” is clearly misplaced in view of the present recital of this function in the amended independent base claims. In this regard, it is respectfully submitted to be clear that Sakaida (either at the above-noted relied on portions, or otherwise) does not teach or suggest that a “first function” is performed by performing the claimed “determining a blending ratio that appraises an attribute of the image that indicates a likelihood of the image to be a natural picture.” Accordingly, the teachings of Sakaida cannot be said to lead to the avoidance of a selection of an inappropriate interpolation based on the claimed attribute that must indicate “a likelihood of the image to be a natural image.” This is because the image sharpness urged in the outstanding Action to be readable as the claimed attribute does not indicate any likelihood whether or not an image is a natural picture.

As noted above, Sakaida does not appraise any attribute of the image “that indicates a likelihood of the image to be a natural picture,” because the sharpness of an image does not indicate whether that image is “a natural picture” or not. What Sakaida teaches is:

a feature measure calculating means for carrying out interpolating operations on the original image signal and in accordance with first and second interpolating operation processes for obtaining interpolation images having different levels of sharpness, a feature measure, which represents the sharpness of the original image signal, being thereby obtained (see col. 9, lines 24-30).

The obtaining of the feature measure (representing sharpness) being followed by:

a correction means for correcting the interpolation image signal in accordance with the feature measure, a final interpolation image signal being thereby obtained (see col. 9, lines 36-38).

Once again, it is emphasized that a feature measure of “sharpness” is just that, it does not in any manner indicate the likelihood of any image being a natural picture or otherwise. Therefore, following the teachings of Sakaida would not lead to any image processing based on the likelihood that an image is a natural image as presently claimed and the advantage of the present invention as to preventing the above-noted “decisive error” cannot be achieved.

As rejected Claims 3, 4, and 7 depend from the above-noted independent Claim 1, rejected Claims 14, 15, and 18 depend from the above-noted independent Claim 12, and Claims 25, 26, and 29 depend from the above-noted independent Claim 23, these dependent Claims clearly cannot be said to be anticipated by Sakaida for at least the reasons noted above as to the parent independent Claims 1, 12, and 23. Therefore, withdrawal of this rejection as applied to dependent Claims 3, 4, 7, 14, 15, 18, 25, 26, and 29 is also believed to be in order.

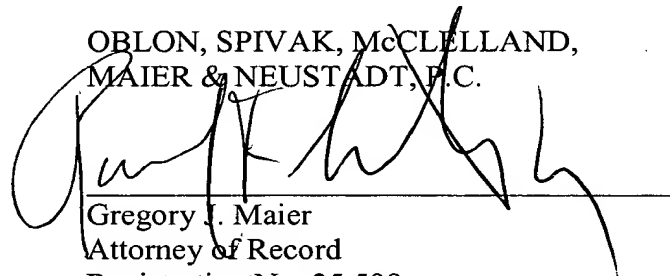
Similarly, the rejection of Claims 2, 6, 13, 17, 24, 28, and 34 under 35 U.S.C. §103(a) as being unpatentable over Sakaida in view of Sekine, the rejection of Claims 5, 16, and 27 under 35 U.S.C. §103(a) as being unpatentable over Sakaida in view of Dube, and that of Claims 8-11, 19-22, and 30-33 under 35 U.S.C. §103(a) as being unpatentable over Sakaida in view of Kuwata are traversed because none of Sekine, Dube, and/or Kuwata considered

alone or together in any proper combination (with or without Sakaida) cure the above noted deficiencies of Sakaida. Therefore, as dependent Claims 2, 5, 6, 8-11, 13, 16, 17, 19-22, 24, 27, 28, and 30-34 all ultimately depend on one of the base independent Claims 1, 12, and 23, these rejections are also considered to be improper and should be withdrawn for the reasons noted above.

As no further issues are believed to remain outstanding in the present application, it is believed that this application is clearly in condition for formal allowance and an early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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A large, stylized handwritten signature in black ink, likely belonging to Gregory J. Maier, is written over a horizontal line.

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